

Western New York Remediation Section

Week ending September 25, 2015

New Cassel (Jemmer LaPoma): In an email from site attorney Kivowitz RPM LaPoma was informed that attorneys who represent the Frost St parties in the New Cassel Industrial Area had hired a private investigator to serve a subpoena at LaPoma's home in New Jersey. Kivowitz clarified verbally to the Frost St attorney that going forward that ORC will be served at the office and that ORC will accept service. As of 9/9, no one has come to LaPoma's home on behalf of the Frost St parties.

The trial between Frost St parties and NYS is scheduled to begin 9/28. In a letter dated 9/18 from Eric Schaff to Frost St parties attorney citing the "Touhy" regulations, which contains restriction

on EPA employees' testimony in regard to official matters in any proceeding where the US Government is not a party. As of the morning of 9/10 no response or further updates on whether RPM LaPoma is to provide testimony in Islip on 9/28 has been received.

OUI RD: On 8/24, ERT provided a draft pre-design investigation work plan. The team has had multiple working sessions to walk through comments on the work plan. RPM LaPoma expects to receive a revised draft work plan by the end of September, which will then be shared with ORC for formatting input. Tentative completion date is mid-October 2015.

